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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,853	12/22/2000	Adrian M. Kristiansen	P 269867 NOR-13169BA	8553

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EXAMINER
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SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/741,853

Applicant(s)

KRISTIANSEN ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02/15/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-39 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/15/2005 has been entered.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Soha et al. (4,817,080) (hereinafter Soha).

5. As per claim 1, Soha discloses a method for monitoring a network col 2, lines 14-18 and col 3, lines 14-19) comprising:

receiving at least one data packet (fetches the content of packet, col 7, lines 23-26);

reading an entry of a memory device (fetches, col 7, lines 23-26), the entry of the memory device containing a first statistical value and a second statistic value (maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37), wherein the entry is a single memory location of the memory device (maintains the statistics by counters, by col 5, lines 22-37), wherein the first statistical value includes a packet count, anal wherein the second statistical value includes a byte count (maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37 and col 7, lines 17-21, packet and byte counters);

determining a third statistical value based on at least one of a content of the at least one data packet, the first statistical value, and the second statistical value (maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37 and col 7, lines 17-21, packet and byte counters); and

Storing the determined third statistical value in the entry of the memory device (lookup table, 50,56 fig 4, col 7, lines 30-40, address of the counter must be incremented).

6. As per claim 2, Soha discloses at least one data packet contains a set of data bits, wherein the first statistical value includes a count of the received at least packet, and wherein the second statistical value includes a count of a subset of data bits of the received at least one data packet (50,56 fig 4, col 7, lines 41-46).

7. As per claim 3, Soha discloses storing (56, fig 4) the determined third statistical value in the entry of the memory device overwrites one of the first statistical value and the second statistical value (maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37).

8. As per claim 4, Soha discloses the at least one data packet comprises at least one of SONET, ATM, Ethernet, 14DLC, PPP, IP, TCP, and UDP data packet (Ethernet, col 3, lines 63)

9. As per claim 5, Soha discloses the third, statistical (lookup table, 56, fig 4) value comprises updates to at least one of the first statistical value and the second statistical value (col 9, lines 25-27).

10. As per claim 6, Soha discloses the third statistical value updates at least one of the first statistical value and the second statistical value by at least one of incrementing and decrementing the first statistical value and the second statistical value, respectively, by a value (updates the counters col 9, lines 25-27 and maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37).

11. As per claim 7, Soha discloses *the third* statistical value updates at least one of the first statistical value and the second statistical value by adding a value to the first statistical value and the second statistical value, respectively (updates the counters col 9, lines 25-27 and maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37).

12. As per claim 8, Soha discloses the value comprises a negative value (negative comparison anticipates the negative value, col 3, lines 46-50).

13. As per claim 9, Soha discloses the entry of the memory device is associated with the received data packet (50.56, fig 4)

14. As per claim 10, Soha discloses the subset of data bits of the received data packet comprises 8 data bits of the received data packet (8 bits, 50, fig 4).

15. As per claim 11, Soha discloses the third statistical value updates at least one the first statistical value and the second statistical value by correcting an error (col 3, lines 67-68) in the at *least* one of the *first* statistical value and the second statistical value (maintains the statistics by counters, 50,56 fig 4, col 5, lines 22-37).

16. As per claims 12 and 23, claims are rejected for the same reasons as claim 1, above.

17. As per claims 13 and 24, claims are rejected for the same reasons as claim 2, above.

18. As per claims 14 and 25, claims are rejected for the same reasons as claim 3, above.

19. As per claims 15 and 26, claims are rejected for the same reasons as claim 4, above.

20. As per claims 16 and 27, claims are rejected for the same reasons as claim 5, above.

21. As per claims 17 and 28, claims are rejected for the same reasons as claim 6, above.

22. As per claims 18 and 29, claims are rejected for the same reasons as claim 7, above.

23. As per claims 19 and 30, claims are rejected for the same reasons as claim 8, above.

24. As per claims 20 and 31, claims are rejected for the same reasons as claim 9, above.



25. As per claims 21 and 32, claims are rejected for the same reasons as claim 10, above.

26. As per claims 22 and 33, claims are rejected for the same reasons as claim 11, above.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soha et al. (4,187,080) (hereinafter Soha) in view of Wilford et al. (6,687,247) (hereinafter Wilford).

34. As per claim 34, Soha does not disclose comprising reading said single memory location following said storing, and, in the event that said third statistical value comprises a negative value, writing a predetermined value to said single memory location. However, Wilford discloses reading said

single memory location following said storing (packets arrived at the PLIM interface are first received and buffered, col 27, lines 55-65), and, in the event that said third statistical value (packet and byte count statistics, col 28, line 13) comprises a negative value (if the count goes negative, col 47, lines 39-41), writing a predetermined value to said single memory location (all the counters should saturate and clear, col 52, lines 43-51 and col 15, lines 19-22, CAR actions). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Soha With Wilford because Wilford's use of statistical module to determine the network traffic would provide Soha's system the robust Statistical module to monitor the network traffic.

29. As per claim 34, claim is rejected for the same reasons as claim 34, above. In addition Wilford discloses predetermined value comprises all zeros (all the counters should saturate and clear, col 52, lines 43-51 and col 15, lines 19-22, CAR actions).

30. As per claim 36, the claim is rejected for the same reasons as claim 34, above.

31. As per claim 37, the claim is rejected for the same reasons as claim 35, above.

32. As per claim 38, the claim is rejected for the same reasons as claim 34, above.

33. As per claim 39, the claim is rejected for the same reasons as claim 35, above.

### ***Response to Arguments***

34. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,157,955 teaches packet processing system

U.S. Patent 6,076,115 teaches packet processing and control information packet-by-packet manner.


U.S. Patent 5,889,643

U.S. Patent 6,643,260

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS  **JOHN FOLLANSBEE**  
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